

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) William Barber
Serial No. 09/903,444
Filed July 9, 2001
For System and Kiosk for Commerce of
Optical Media Through Multiple
Locations

Examiner Asfand M. Sheikh
Group Art No. 3627
Confirmation No. 9729

September 30, 2008

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Dear Sir:

This Information Disclosure Statement is submitted:

- under 37 CFR 1.97(b), or
(Within three months of filing national application, or date of entry of national application, or before mailing date of first office action on the merits, whichever occurs last)
- under 37 CFR 1.97(c) together with either a:
 - Statement under 37 CFR 1.97(e), or
 - a \$180 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before final action or notice of allowance, which ever occurs first)
- under 37 CFR 1.97(d) together with a:
 - Statement under 37 CFR 1.97(e)(1) or (2), and
 - a \$180.00 fee set forth in 37 CFR 1.17(p).
(Filed after final action, a notice of allowance, on or before payment of issue fee)

Please charge to Deposit Account 12-0600 the sum of \$180.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 12-0600 pursuant to 37 CFR 1.25.

Some of the references disclosed in form PTO 1449, submitted herewith, originate from the prosecution (i.e., an Office Action, Response, etc.) of a patent application related to the current application and/or subject matter set forth therein. These prosecution references are provided to meet the Duty of Disclosure as specifically set forth at MPEP 2001.06 and

interpreted by the Federal Circuit in McKesson Information Solutions, Inc. v. Bridge Medical, Inc., 487 F.3d 897 (Fed. Cir. 2007). A copy of each prosecution reference, or an English language translation/summary for foreign prosecution, is submitted herewith. Because the present Examiner has substantively examined the related case, the Examiner should already be aware of these references. No new issues requiring further search or consideration have therefore been raised by this submission. The references are as follows:

1. 131 Affidavit and Exhibits filed in related U.S. Patent Application Serial No. 09/578,631, filed August 27, 2007, 163 pages
2. 131 Affidavit and Exhibits filed in related U.S. Patent Application Serial No. 09/578,631, filed April 16, 2004, 68 pages
3. Office Action dated November 19, 2007, issued in related U.S. Patent Application Serial No. 09/578,631, 30 pages.
4. Appeal Brief dated filed April 18, 2008 filed in related U.S. Patent Application Serial No.: 09/578,631, 216 pages
5. Notice of Allowance issued on August 8, 2008 in related U.S. Patent Application Serial No.: 09/578,631, 14 pages

The remaining references cited in the instant Information Disclosure Statement were also all cited in the same "parent" application 09/578,631, in either an Information Disclosure Statement by Applicant or references cited by Examiner. The Applicant hereby submits an Information Disclosure Statement which includes those references cited in the parent application as the applicant desires the information to be printed on the patent. In accordance with MPEP 609.02 and pursuant to 37 CFR 1.98(d), since the IDS submitted in the parent application complied with 37 CFR 1.98(a) to (c), copies of the patents, publications, pending U.S. applications, or other information submitted in the parent application are **not being resubmitted** in the instant continuing application.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

LATHROP & GAGE LC



Josh Snider, Reg. No. 47,954
4845 Pearl East Circle, Suite 300
Boulder, Colorado 80301
Telephone: (720) 931.3013
Facsimile: (720) 931.3001